

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 20th day of September, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Vickie Abrego, Mayor Pro Tempore
Jay Attaway Council Member
Ross McElwee Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Reggie Winters, City Manager
Allen Lawrence, City Attorney
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Rick Kilgore Fire Chief
Frank Truitt Inspector

OTHERS PRESENT: Jim & Alpha Covington, Rosemary Vega/Chamber of Commerce,
Donald & Jeanie Brummett, David Underbrink/Naismith Engineering,
Hope Comingore/President of Aransas Pass Municipal Development
District, Leonard Koerth, Jim Mills/President of Aransas Pass Crime
Control and Prevention District, Steve Wilson, Robert & Danielle Koerth,
Steve & Collette Walls, Jean Hunter, Rod Spivey, Annette
Schonhoeft/Aransas Pass Civic Center and Patsy Lawrence.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on September 20, 2010.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

3. **Consent Agenda – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”**

- A. **Consider and Act on Approving the minutes of September 1 and September 7, 2010.**
- B. **Consider and Act on Approving Resolution No. 2010-641 – A Resolution by the City of Aransas Pass, Texas, authorizing Designated Signators for its 2010 Texas Community Development Block Grant Program Contract 710021.**
- C. **Consider and Act on Approving Resolution No. 2010-642 – A Resolution by the City of Aransas Pass, Texas, adopting Section 3 - Local Opportunity Plan for the Texas Community Development Block Grant Program.**
- D. **Consider and Act on an Amendment to Mr. Roland Pena’s Facility License Agreement.**

Council Member Attaway made a motion to approve the consent agenda. Council Member Hyatt seconded the motion and the motion carried unanimously.

4. **CONSIDER AND ACT ON THE RECONSIDERATION OF AWARDING A CONTRACT TO URBAN ENGINEERING TO PROVIDE TEXAS COMMUNITY BLOCK GRANT PROJECT-RELATED PROFESSIONAL ENGINEERING SERVICES FOR CONTRACT 710021.**

Mayor Knight stated Naismith Engineering completed the Texas Community Block Grant and submitted it. He stated Naismith would like the opportunity of being awarded the contract for professional engineering services for Contract 710021 (Blossom lift station).

David Underbrink with Naithsmith Engineering stated that was correct.

Council Member Attaway made a motion to approve the reconsideration of awarding a contract to Urban Engineering to provide Texas Community Block Grant project related professional engineering services for contract 710021 and choosing Naismith Engineering. Mayor Pro Tem Abrego seconded the motion and the motion carried with Council Member Hyatt and Council Member McElwee voting no.

5. **CONSIDER AND ACT ON APPROVING RESOLUTION NO. 2010-640 – A RESOLUTION BY THE CITY OF ARANSAS PASS, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE TEXAS COMMUNITY BLOCK GRANT COMMUNITY DEVELOPMENT AWARD CONTRACT 710021.**

Council Member Attaway made a motion to approve Resolution No. 2010-640 – A Resolution by the City of Aransas Pass, Texas, authorizing the award of professional service provider contracts for the Texas Community Block Grant Community Development Award Contract 710021. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON REQUEST OF MR. HECTOR RIOS, COASTAL BEND KAYAK, TO USE THE SHRIMPOREE GROUNDS AND THE SOFTBALL FIELDS TO HOLD A “REDFISH BAY OUTDOOR EXPO AND SOFTBALL TOURNAMENT” ON OCTOBER 30 AND 31, 2010.**

City Manager Winters stated Mr. Hector Rios had an emergency and could not attend tonight's Council meeting.

Council Member Attaway made a motion to table Item No. 6 until the October 4, 2010 City Council meeting. Council Member McElwee seconded the motion and the motion carried unanimously.

7. **PUBLIC HEARING ON THE REQUEST OF LEONARD KOERTH FOR A PERPETUAL, NON-TRANSFERABLE CONDITIONAL USE PERMIT TO CONTINUE TO OPERATE A TATTOO SHOP. THE PROPERTY IS DESCRIBED AS LOT 3, BLOCK 550, ARANSAS PASS, TEXAS, 0.143 ACRES, 305 S. COMMERCIAL STREET, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

City Attorney Allen Lawrence opened the Public Hearing at 7:08 p.m. on the request of Leonard Koerth for a perpetual, non-transferrable Conditional Use Permit to continue the operation a tattoo shop. The property is described as Lot 3, Block 550, Aransas Pass, Texas, 0.143 Acres, 305 S. Commercial Street, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business district. He stated all proper notices had been given. He stated the Planning and Zoning Commission had met previously on the matter and recommended approval on the request. Mr. Lawrence stated Mr. Koerth started his business with a 6 month Conditional Use Permit than moved to a 2 year Conditional Use Permit.

Mayor Knight stated Mr. Koerth's business has not any problems within the last 2 ½ years and its like they aren't even there.

The City Attorney asked was there any questions from the Council? He asked was anyone present to speak in opposition of the request? Seeing none he closed the Public Hearing at 7:09 p.m.

8. **CONSIDER AND ACT ON THE REQUEST OF LEONARD KOERTH FOR A**

PERPETUAL, NON-TRANSFERABLE CONDITIONAL USE PERMIT TO CONTINUE TO OPERATE A TATTOO SHOP. THE PROPERTY IS DESCRIBED AS LOT 3, BLOCK 550, ARANSAS PASS, TEXAS, 0.143 ACRES, 305 S. COMMERCIAL STREET, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

Council Member Attaway made a motion to approve the request of Leonard Koerth for a perpetual, non-transferrable Conditional Use Permit to continue to operate a tattoo shop with the same conditions he opened his business with. The property is described as Lot 3, Block 550, Aransas Pass, Texas, 0.143 Acres, 305 S. Commercial Street, Aransas Pass Texas, San Patricio County. The property is zoned (GB) General Business District.

9. CONSIDER AND ACT ON REQUEST OF MR. ROD SPIVEY TO ASSUME GRANT ERICKSON'S 3 YEAR LEASE AT 226 BIGELOW OR TO RECEIVE A MONTH-TO-MONTH LEASE ON AN AVAILABLE SITE.

Mr. Spivey stated he was a professional tour guide, dive instructor and has a boat towing service. He stated he had tried earlier in the year to receive a lease on the harbor. He stated he took out insurance and had it in place ready to put on a leased property and had completed everything else the City had asked for. He stated he would like to start a dive training facility.

Mayor Knight asked Mr. Spivey why he wanted to move from his current location.

Mr. Spivey stated after November 30th, 2010, his current location would be receiving a new seven foot shelf and bulkhead and a possible boat ramp and he had to move. Mr. Spivey stated he couldn't afford to shut his business down until the improvements were completed.

City Manager Winters stated the building at 226 Bigelow and bulkhead were in good shape and stated if the City rented it out he would like to see it leased at five dollars (\$5.00) per linear foot and one dollar (\$1.00) per square foot for the building. He stated if the Council didn't rent the property out, he would like to move the Harbormaster in there. He stated the Harbormaster had been working out of his car for a year now.

Council Member Hyatt asked when the moratorium was passed.

City Manager Winters stated March 2010.

Council Member McElwee asked if a contract had been written up.

City Manager Winters stated no. He stated potential customers come before the board and ask for a lease and if a lease is approved then the Attorney draws up the lease with approved terms and it goes back before the board for approval.

Mayor Pro Tem Abrego stated the Council should honor the moratorium until after a harbor workshop.

Mr. Spivey stated he had come before the board requesting a lease at the same time as Capt. Tom Doran and Mr. Mack Oliver.

Council Member McElwee made a motion for City Manager Winters to start the negotiating process on a lease with Mr. Spivey at 226 Bigelow. Council Member Hyatt seconded the motion and the motion failed with Mayor Pro Tem Abrego and Council Member Attaway voting no.

10. CONSIDER AND ACT ON APPROVAL OF A PUBLICITY AND TOURISM AGREEMENT BETWEEN CITY OF ARANSAS PASS AND ARANSAS PASS CHAMBER OF COMMERCE.

Rosemary Vega, CEO of the Chamber of Commerce, presented a power point presentation.

Council Member Attaway made a motion to approve a Publicity and Tourism Agreement between the City of Aransas Pass and the Aransas Pass Chamber of Commerce. Council Member Hyatt seconded the motion and the motion carried unanimously.

11. CONSIDER AND ACT ON APPROVING THE ARANSAS PASS CHAMBER OF COMMERCE 2010-2011 BUDGET.

Council Member McElwee made a motion to approve the Aransas Pass Chamber of Commerce's 2010-2011 budget. Council Member Attaway seconded the motion and the motion

carried unanimously.

12. CONSIDER AND ACT ON REPLACEMENT OF AN ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BOARD MEMBER DUE TO NONATTENDANCE.

Mayor Knight stated Mr. Harlow Landphair had missed 6 consecutive Aransas Pass Municipal Development District (APMDD) meetings and would like to replace him with Randall Freeze.

Council Member McElwee asked why the Council would put a member back on the board when they weren't re-appointed the last time this issue (re-placing members) came before the Council.

Mayor Knight stated Mr. Freeze's application was left over from the last round of appointments.

Council Member McElwee asked if the City had advertised for applications for the APMDD.

City Secretary Stonebraker stated no.

Mayor Pro Tem Abrego stated it was her understanding that you did not have to go out for applications when filling an unexpired term. She stated Mr. Freeze's application was left over from the last appointments and Mr. Freeze was still interested in serving on the APMDD board.

After further discussion, Council Member McElwee made a motion to remove Mr. Harlow Landphair for non-attendance from the Aransas Pass Municipal Development District and to advertise for applications. Council Member Hyatt seconded the motion and the motion failed.

Mayor Pro Tem Abrego made a motion to remove Mr. Harlow Landphair for non-attendance and to appoint Mr. Randall Freeze in Mr. Landphair's unexpired term. Council Member Attaway seconded the motion and the motion carried with Council Member McElwee and Council Member Hyatt voting no.

13. CONSIDER AND ACT ON FOUR (4) APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION.

Mayor Knight stated four member's terms had expired on the Planning and Zoning Commission board and the Council needed to appoint four members.

Council Member McElwee asked City Secretary Stonebraker if the positions were advertised for.

City Secretary Stonebraker stated yes, they were advertised on the City's website.

Council Member Attaway made a motion to approve the re-appointment of Ms. Marilyn Rimer, and the appointments of Ms. Pat Fenton, Ms. Lisa Barker and Ms. Shirley Gallagher to the Planning and Zoning Board. Council Member Hyatt seconded the motion and the motion carried unanimously.

14. CONSIDER AND ACT ON AN AMENDMENT TO THE CITY OF ARANSAS PASS' PERSONNEL POLICY TO INCLUDE A "SICK LEAVE POOL" AND PROVIDE FOR AN EFFECTIVE DATE.

After a brief discussion, Council Member McElwee made a motion to approve an amendment to the City of Aransas Pass' personnel policy to include a "sick leave pool" as written and to provide for an effective date. Council Member Attaway seconded the motion and the motion carried with Mayor Pro Tem Abrego abstaining.

The following Item was tabled September 7, 2010 and must be untabled before considering.

15. CONSIDER AND ACT ON SCHEDULING A WORKSHOP TO DISCUSS HARBOR DEVELOPMENT.

Council Member McElwee made a motion to untable Agenda Item No. 15. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

Mayor Pro Tem Abrego made a motion to approve Wednesday, October 13, 2010 at 7:00 p.m. for a workshop to discuss harbor development. Council Member Hyatt seconded the motion and the motion carried unanimously.

16. CONSIDER AND ACT ON CLOSING THE ARANSAS PASS AQUATIC CENTER FROM NOVEMBER 1, 2010 TO FEBRUARY 28, 2011.

Mayor Pro Tem Abrego made a motion to table Item 16. Council Member Attaway seconded the motion and the motion carried unanimously.

17. **REVIEW AND DISCUSS BUDGET REPORTS.**

City Manager Winters stated nothing had really changed from last months meeting and sales tax was still down.

18. **CITIZENS COMMENTS.**

Ms. Collette Walls stated she and her husband has been residents of Aransas Pass for five years and had been trying to get involved with the community. She stated she had attended some of the meetings where harbor improvement had been discussed and in five years there still was no improvement to the harbor. Ms Walls stated she would love to see a plan for the harbor so the city could move forward. She stated it was hard to see the City turn business away when the Chamber of Commerce was trying to bring businesses in to the City. Ms. Walls stated she believes if the City closed the Aquatic Center it would hurt the City. She stated she was glad to see that decision (closing the Aquatic Center) to go before the Municipal Development District first. She stated she was upset and nerves because her and her husband plans on living here forever and wants to see the City grow.

Ms. Alpha Covington stated the Aransas Pass Municipal Development Districts (APMDD) By-laws states that the City Council could remove and replace any member of the board (APMDD) at will.

19. **ADJOURNMENT OF MEETING.**

Council Member Attaway made a motion to adjourn the Council Meeting. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:14 p.m.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary